

**ASSEMBLY BILL**

**No. 1645**

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**Introduced by Assembly Member La Malfa**

February 23, 2007

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An act to add Section 8571.5 to the Government Code, relating to emergency powers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1645, as introduced, La Malfa. Emergency powers: firearms.

Existing law authorizes the Governor to invoke various powers in the event of an emergency, as specified.

This bill would provide that these powers do not authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 8571.5 is added to the Government Code,
- 2 to read:
- 3 8571.5. Nothing in this article shall authorize the seizure or
- 4 confiscation of any firearm or ammunition from any individual
- 5 who is lawfully carrying or possessing the firearm or ammunition,
- 6 or authorize any order to that effect, provided however, that a peace
- 7 officer who is acting in his or her official capacity may disarm an
- 8 individual if the officer reasonably believes it is immediately
- 9 necessary for the protection of the officer or another individual.

- 1 The officer shall return the firearm to the individual before
- 2 discharging the individual, unless the officer arrests that individual
- 3 or seizes the firearm as evidence pursuant to an investigation for
- 4 the commission of a crime.

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